

SHANNON G. SPLAINE, ESQ.

Nevada Bar No. 8241

ROBERT N. EATON, ESQ.

Nevada Bar No. 9547

LINCOLN, GUSTAFSON & CERCOS, LLP

ATTORNEYS AT LAW

3960 Howard Hughes Parkway, Suite 200

Las Vegas, Nevada 89169

Telephone: (702) 257-1997

Facsimile: (702) 257-2203

ssplaine@lgclawoffice.com

reaton@lgclawoffice.com

Pamela A. McKay (SBN 7812)

MCKAY LAW FIRM, CHTD.

8440 W. Lake Mead Blvd., Suite 112

Las Vegas, NV 89128

Phone: 702-835-6956

Fax: 702- 835-6957

pmckay@mckaylawfirmchtd.com

Attorneys for Defendant/Cross-Claimant
UNITED CONSTRUCTION COMPANY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEVADA

URBAN OUTFITTERS, INC., a Pennsylvania
Corporation,

Plaintiff,

vs.

DERMODY OPERATING COMPANY, LLC,
a Delaware limited liability company;
UNITED CONSTRUCTION CO., a Nevada
Corporation, GAF MATERIALS
CORPORATION, a Delaware Corporation;
and DOES I through X,

Defendants.

DERMODY OPERATING COMPANY, LLC,
a Delaware limited liability company,

Third-Party Plaintiff,

vs.

CASE NO. 3:21-cv-00109-MMD-CLB

ORDER GRANTING

STIPULATION TO CONTINUE
DEADLINE FOR UNITED
CONSTRUCTION CO. TO FILE
MOTION FOR PROTECTIVE ORDER
REGARDING DISPUTED
DOCUMENTS IN RESPONSE TO
PLAINTIFF'S SUBPOENA DUCES
TECUM TO TRINITY | ERD

[SECOND REQUEST]

D&D ROOFING AND SHEET METAL, INC.,)
a Nevada corporation; ATLAS
CONTRACTORS, INC., a Nevada
corporation,
Third-Party Defendants.

UNITED CONSTRUCTION CO., a Nevada
corporation,
Defendant/Cross-Claimant

vs.

D&D ROOFING AND SHEET METAL, INC.,)
a Nevada corporation; ATLAS
CONTRACTORS, INC. a Nevada corporation,
Cross-Defendants.

**STIPULATION TO CONTINUE DEADLINE FOR UNITED
CONSTRUCTION CO. TO FILE MOTION FOR PROTECTIVE ORDER
REGARDING DISPUTED DOCUMENTS IN RESPONSE TO PLAINTIFF’S
SUBPOENA DUCES TECUM TO TRINITY | ERD
[SECOND REQUEST]**

Plaintiff, Urban Outfitters, Inc. (“Plaintiff”), by and through its counsel of record, Brian K. Walters, Esq. of Gordon Rees Scully Mansukhani, LLP, and Defendant, United Construction Co. (“United”), by and through its counsel of record, Robert N. Eaton, Esq. of Lincoln, Gustafson & Cercos, LLP, and Pamela A. McKay, Esq. of McKay Law Firm, Chtd., hereby stipulate as follows.

1. Plaintiff subpoenaed documents from Trinity | ERD regarding certain consulting services it provided to United related to roof damage and repairs at Plaintiff’s distribution facility.
2. United did not object to the subpoena duces tecum.
3. In response to the subpoena duces tecum, Trinity | ERD produced to Plaintiff the documents it prepared on behalf of United related to roof damage and repairs at Plaintiff’s

1 distribution facility. Some of the documents provided were not disclosed to the parties in this
2 suit.

3 4. When counsel for United learned that Urban had obtained the referenced documents,
4 counsel objected to their disclosure pursuant to FRCP 45(e)(2)(B). Plaintiff postponed
5 disclosure of the documents pending informal discovery resolution efforts.

6 5. On August 15, 2022, Plaintiff provided counsel for United with an electronic link to the
7 referenced documents for their review in order to facilitate the informal discovery resolution
8 process.

9 6. United contends some of the documents Trinity | ERD provided in response to Plaintiff's
10 subpoena duces tecum are protected from disclosure pursuant to the federal work product
11 doctrine. Plaintiff disagrees.

12 7. After the September 2, 2022, discovery hearing conducted before the Honorable U.S.
13 Magistrate Judge Carla Baldwin, Plaintiff's counsel and United's counsel, further met and
14 conferred on the discovery dispute regarding the documents Trinity | ERD produced in response
15 to the subpoena duces tecum.

16 8. United's counsel requested additional time to evaluate the documents to determine if a
17 resolution was possible. Counsel for Plaintiff agreed to permit United's counsel additional time
18 to review the documents. The parties agreed to extend the briefing schedule on United's Motion
19 for Protective Order.

20 9. Plaintiff and United, through their respective counsel, agreed to further meet and confer in
21 an effort to avoid the court's involvement, which will require the deadline for United to file a
22 Motion for Protective Order to be extended from the time discussed during the September 2,
23 2022 discovery dispute hearing; specifically, 15-days from September 2, 2022, which is
24 September 16, 2022.

25 10. Plaintiff provided bates stamped copies of the documents they received from Trinity to
26 United's counsel on September 7, 2022.

27 11. On September 15, 2022, Plaintiff and United submitted a Stipulation to the Court to
28 extend the time for United to submit a Motion for Protective Order regarding disputed

documents, if necessary, through September 30, 2022. (Doc. 141.) The Court accepted the Stipulation and entered an Order thereto on September 15, 2022 (Doc. 142).

12. Plaintiff and United agree to extend the deadline for United to file a Motion for Protective Order regarding certain disputed documents Plaintiff obtained from Trinity | ERD pursuant to a subpoena duces tecum. United seeks an extension from September 30, 2022 to October 6, 2022. United needs the additional time to compare the bates stamped documents Plaintiff provided with the documents United received from Trinity | ERD regarding Trinity's work on the project before August 2015 that were not previously received.

IT IS SO STIPULATED.

GORDON REES SCULLY MANSUKHANI, LLP

MCKAY LAW FIRM, CHTD.

/s/ Brian K. Walters

/s/ Pamela McKay

By: BRIAN K. WALTERS (SBN 9711)
300 South 4th Street, Ste. 1550
Las Vegas, NV 89101

By: PAMELA A. MCKAY (SBN 7812)
8440 W. Lake Mead Blvd., Ste. 112
Las Vegas, NV 89128

Attorneys for Plaintiff,
URBAN OUTFITTERS, INC.

Attorneys for Defendant/Cross-Claimant,
UNITED CONSTRUCTION CO.

LINCOLN GUSTAFSON & CERCOS, LLP

/s/ Robert N. Eaton

By: ROBERT N. EATON (SBN 9547)
3960 Howard Hughes Pkwy, Ste. 200
Las Vegas, NV 89169

Attorneys for Defendant/Cross-Claimant,
UNITED CONSTRUCTION, CO.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: September 30, 2022